

STATE OF CONNECTICUT

SITING COUNCIL

* * * * *

NEW CINGULAR WIRELESS PCS, LLC * SEPTEMBER 18, 2012
(AT&T) * (3:37 p.m.)

APPLICATION FOR A CERTIFICATE OF *
ENVIRONMENTAL COMPATIBILITY AND *
PUBLIC NEED FOR THE CONSTRUCTION, * DOCKET NO. 428
MAINTENANCE AND OPERATION OF A *
TELECOMMUNICATIONS FACILITY *
LOCATED AT ONE OF TWO SITES; *
ROXBURY TAX ASSESSOR PARCEL *
ID #32-008 OFF OF ROUTE 67, *
ROXBURY, CONNECTICUT, OR *
126 TRANSYLVANIA ROAD, ROXBURY *

* * * * *

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Michael Caron, DPUC Designee
Brian Golembiewski, DEP Designee
Daniel P. Lynch, Jr.
Edward S. Wilensky
Philip T. Ashton
James J. Murphy, Jr.
Dr. Barbara Currier Bell

STAFF MEMBERS: Linda Roberts, Executive Director
Michael Perrone, Siting Analyst
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE APPLICANT, NEW CINGULAR WIRELESS PCS,
LLC, (AT&T):

CUDDY & FEDER LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
BY: DANIEL M. LAUB, ESQUIRE
CHRISTOPHER B. FISHER, ESQUIRE

FOR THE INTERVENOR, BRONSON MOUNTAIN FARM
HOMEOWNERS ASSOCIATION:

HURWITZ, SAGARIN, SLOSSBERG & KNUFF, LLC
147 N. Broad Street
P.O. Box 112
Milford, Connecticut 06460
BY: JOHN W. KNUFF, ESQUIRE

FOR THE PARTY, THE TOWN OF ROXBURY:

BARBARA HENRY
First Selectman
P.O. Box 203
29 North Street
Roxbury, Connecticut 06783

FOR THE INTERVENOR, THE TOWN OF WOODBURY:

SLAVIN, STAUFFACHER & SCOTT, LLC
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BY: PAUL R. JESSELL, ESQUIRE

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by New Cingular Wireless PCS,
4 LLC (AT&T), held at the Roxbury Town Hall, 29 North
5 Street, Roxbury, Connecticut, on September 18, 2012 at
6 3:37 p.m., at which time the parties were represented as
7 hereinbefore set forth . . .

8
9
10 CHAIRMAN ROBIN STEIN: Good afternoon
11 everybody. I apologize for the delay, but we had to
12 visit two separate sites today.

13 We're here for Docket No. 428 and this
14 meeting is called to order today, Tuesday, September 18,
15 2012 at approximately 3:40.

16 My name is Robin Stein and I'm Chairman of
17 the Siting Council. Other members of the Council present
18 are Mr. Golembiewski, the designee from the Department of
19 Energy and Environmental Protection; Mr. Caron, the
20 designee from the Public Utilities Regulatory Authority;
21 Mr. Ashton; Mr. Lynch; Senator Murphy; Dr. Bell; and Mr.
22 Wilensky.

23 Members of the staff present are Linda
24 Roberts, Executive Director; Melanie Bachman, Staff

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1 Attorney; Michael Perrone, Siting Analyst. Gail
2 Gregoriades is the court reporter and Joseph Reese our
3 audio technician.

4 This hearing is held pursuant to the
5 provisions of Title 16 of the Connecticut General
6 Statutes and of the Uniform Administrative Procedures Act
7 upon an application from New Cingular Wireless PCS LLC
8 (AT&T) for a Certificate of Environmental Compatibility
9 and Public Need for the construction, maintenance, and
10 operation of a telecommunications facility located at one
11 of two potential sites. The first one is Roxbury Tax
12 Assessor Parcel ID#32-008 off of Route 67 in Roxbury, and
13 the second possible site is 126 Transylvania Road in
14 Roxbury. The application was received by the Council on
15 July 3rd of 2012.

16 As a reminder to all, off-the-record
17 communication with a member of the Council or a member of
18 the Council staff upon the merits of this application is
19 prohibited by law.

20 The parties and intervenors to the
21 proceedings are as follows: New Cingular Wireless PCS,
22 LLC; the Intervenor Bronson Mountain Farm Homeowners
23 Association; and the Party, the Town of Roxbury.

24 We will proceed in accordance with the

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1 prepared agenda, copies of which are available -- I guess
2 over there. Also available are copies of the Council's
3 Citizen Guide to Siting Council Procedures.

4 At the end of this afternoon's session, we
5 will recess and resume again at 7:00 p.m. The 7:00 p.m.
6 hearing is reserved for the public to make brief oral
7 statements into the record.

8 I wish to note that parties and
9 intervenors, including their representatives and
10 witnesses, are not allowed to participate in the public
11 comment session.

12 I also wish to note for those who are here
13 and for the benefit of your friends and neighbors who are
14 unable to join us for the public comment session, that
15 you or they may send written statements to the Council
16 within 30 days of today. And such written statements
17 will be given the same weight as if spoken at the
18 hearing.

19 If necessary, party and intervenor
20 presentations may continue after the public comment
21 session if time remains.

22 A verbatim transcript will be made of this
23 hearing and deposited with the Town Clerk's Office in
24 Roxbury, Southbury, and Woodbury for the convenience of

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1 the public.

2 We'll start with -- is there any public
3 official here at this time who wishes to make a
4 statement? Yes.

5 MS. BARBARA HENRY: Thank you. I'm
6 Barbara Henry. I'm the First Selectman here in the Town
7 of Roxbury. I want to welcome you all to beautiful
8 downtown Roxbury on this balmy day. And I just want to
9 let you know that if it gets any balmier, we do have a
10 generator, so we should be okay. I know that there are
11 other sections of the state already losing their power.
12 And just so that you know, as housekeeping, right through
13 that door are the ladies and men's room, to the left is a
14 kitchen, and we're going to have coffee and etcetera set
15 up for you if you'd like.

16 I admire you all for being on this state
17 agency that deals with these telecommunications matters,
18 which I'm pretty sure you are met with a multitude of
19 different positions from the various towns and cities. I
20 do appreciate you coming out to Roxbury. I have been to
21 New Britain to speak on behalf at another
22 telecommunications issue, so it's great that you come out
23 and see where we -- where we live.

24 An application like the one that is before

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1 you puts the leadership in this community in a no-win
2 situation. It's not a good place to be, and I'm sure
3 that you can fully understand that. But I do appreciate
4 that local officials, the people elected or appointed by
5 their communities to make decisions affecting land use,
6 among other things, are allowed to weigh in on the siting
7 decisions of these towers, something that I don't believe
8 was always the case. This authority is increasingly
9 important as wireless technology becomes more pervasive
10 and requires more and more towers, particularly in small
11 and rural towns that have fewer structures on which to
12 place antennas.

13 We live in small towns because we enjoy
14 the rural settings and the pastoral views. As the towns
15 grow, local leaders are relied upon to ensure that this
16 rural character is retained in the wake of economic
17 development and residential construction growth. Local
18 leaders work with their communities to balance
19 development and preservation of open space and farmland.
20 In fact, many towns have spent considerable funds to
21 purchase land to protect it as open space for future
22 generations to enjoy. Our land trust and a special fund
23 that we voted on for land acquisition emphasize this
24 desire to keep the rural character and preserve its

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1 natural resources. It is reiterated in our plan of
2 conservation and development. Recognizing this, the
3 State has also invested significant funds and grant
4 programs to assist towns and other organizations in
5 purchasing open space and farmland to help protect our
6 natural resources from over-development. These programs
7 have been enormously successful in preserving land and in
8 helping towns retain the small town charm.

9 A tower location that may provide
10 excellent coverage to an under-served area may also mar
11 one of the region's many iconic vistas. This is a
12 challenge that needs to be met.

13 First, I'd like to let you know that we
14 are not closed mind when it comes to providing
15 telecommunication service. I don't know that you're
16 aware that I personally made calls to providers back in
17 1997 with an invitation to build a tower here in this
18 town. It was a very proactive move back then. It was
19 our terms and our turf. We were not even on the radar
20 back in '97 for a tower. And actually, I remember when
21 cell tower providers were going to town meetings that
22 were almost like blood baths because they were pushing
23 their way in, and it was not a pretty site.

24 But we entered into an agreement with

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1 Nextel -- Sprint/Nextel now. It has morphed over the
2 years, but it has been a win/win situation. Our zoning
3 commission was very proactive with telecommunication
4 regulations, and so it worked for us. It was a service
5 to our constituents and a tremendous compliment to our
6 emergency services. As a volunteer EMT myself, I know
7 the value of cell phone service. But I also know the
8 value of home rule and protecting assets, such as homes,
9 and the negative impact on property values, perceived or
10 otherwise, in a residential neighborhood and town, the
11 lifestyle, the land, and the environment. And I am very
12 grateful for the opportunity to speak here today and have
13 a say in what goes on within our borders.

14 We currently have that 180-foot tower at
15 our transfer station. It sits atop one of our highest
16 elevations. And after a couple of mergers, we have three
17 carriers on it. We had five. We now have AT&T, Sprint,
18 and Verizon. And it also houses our emergency services
19 antennas. From day one we have never had complete
20 coverage within the town, but it is very good. Our
21 public works, fire, ambulance, myself, and police all
22 worked off the Sprint network since 1998, until a month -
23 - a couple of months ago when we switched to Verizon. We
24 switched to Verizon because they have better coverage and

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1 a push-to-talk feature that Sprint will no longer carry
2 come December. Both of those carriers are on the same
3 tower that AT&T is currently located on at Lower County
4 Road.

5 We're a town that promotes its home-based
6 businesses, so we're grateful for all the services
7 provided by cell service and charter. The preferred
8 method of communicating and sending and receiving data is
9 very clear, we are all our own worst enemies when
10 desiring the services delivered through this technology
11 and then speaking out against the towers that house this
12 technology.

13 We have sent in our position papers,
14 questions, etcetera, to you. We know a reason for not
15 having another tower put in the town can't be because we
16 don't want it. It has to be backed up by some good
17 reasons. So in that spirit, I'd like an answer to my
18 question of why can't AT&T spend their 18 or 19 billion
19 dollar capital nationwide investment on upgrading their
20 technology to 3G as their competitors have and not on
21 building the plethora of towers, which by the way, they
22 have mentioned needing six more in our community of 27
23 square miles. There will be more if other companies
24 decide to have their own tower sites. There is another

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1 way. And the answer I get out of the responses to
2 inquiries is we don't want to when they say we cannot
3 attest to the quality or type of service that other
4 carriers in the market have. To me it is that they just
5 don't want to address it. But if we can't say because we
6 don't want it, neither can they. What's good for the
7 goose is good for the gander.

8 The Board of Selectmen when they're
9 confronted with decisions, they always -- we always ask
10 ourselves what is the cost benefit to the community
11 before settling on an answer. And when we ask ourselves
12 that question here, we see that either tower will only
13 serve approximately 275 more people in this community and
14 only gain a little over three miles in coverage. And
15 that is questionable due to the topography of the Route
16 67 corridor. Our zoning regs state that a tower should
17 serve greater than 50 percent of the population. Ours
18 does currently. These two sites serve more than 50
19 percent outside of Roxbury and about six percent in
20 Roxbury. We fail to see the cost benefit.

21 There are many issues, other technical
22 issues, which we have addressed in our questions that we
23 have sent to you. Our conservation will be weighing in -
24 - the Conservation Commission will be weighing in at 7:00

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1 o'clock this evening.

2 Either tower site will not be a
3 significant benefit to our community. And if one was to
4 prevail, the cost of the iconic vista and the environment
5 we enjoy here will be permanently changed. The fact
6 remains that there are other ways for AT&T to expand the
7 services they require to service the public. And we're
8 hopeful that your actions will seriously take into
9 consideration those considerations.

10 I thank you for allowing me to speak here
11 today. I know that I can speak again at the end of --
12 where it says municipal comments. And I would -- no?
13 It's on the agenda. No?

14 CHAIRMAN STEIN: I think this -- I think
15 this is your opportunity --

16 MS. HENRY: It's my opportunity? Well --

17 CHAIRMAN STEIN: But you're also --

18 MS. HENRY: -- I'd like to know --

19 CHAIRMAN STEIN: Excuse me. You're also a
20 party, so you will have -- either yourself or someone at
21 that opportunity, but not -- not at the public hearing
22 portion.

23 MS. HENRY: No, no, no, no, I -- I'm
24 looking at the agenda and I'm seeing that --

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1 MS. MELANIE BACHMAN: The municipal
2 comment section, First Selectman, is for written comments
3 that were submitted to the Council before the public
4 hearing or maybe thereafter. If any of your boards or
5 commissions would like to submit comments, they will be -
6 -

7 MS. HENRY: Okay --

8 MS. BACHMAN: -- under that section --

9 MS. HENRY: Alright --

10 MS. BACHMAN: -- those are for written
11 comments --

12 MS. HENRY: Our Conservation Commission
13 will be -- and the other thing is, is that we -- I did
14 send in letters. I'm -- I'm just hopeful that you read
15 the things -- the questions that were asked and the
16 answers that came back. I didn't want to sit here and
17 just read those, unless you want me to, because I'd be
18 happy to go over those, but I'm just assuming that they
19 have all been read and taken into consideration.

20 CHAIRMAN STEIN: This is the beginning of
21 the process. We're not going to take any action today --

22 MS. HENRY: No, no, no, no --

23 CHAIRMAN STEIN: -- so we're --

24 MS. HENRY: -- no, I understand that --

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1 CHAIRMAN STEIN: -- we have read and we
2 will continue to read -- and I'm sure we --

3 MS. HENRY: Because there's a lot of good
4 questions there --

5 CHAIRMAN STEIN: I understand --

6 MS. HENRY: -- and a lot of concerns.

7 CHAIRMAN STEIN: And also when we have the
8 opportunity for the intervenors and the parties, since
9 you are --

10 MS. HENRY: Mmm-hmm --

11 CHAIRMAN STEIN: -- or your town is a
12 party, you will have an opportunity at that time to ask
13 questions of the Applicant --

14 MS. HENRY: Okay, good --

15 CHAIRMAN STEIN: -- so --

16 MS. HENRY: Alright --

17 CHAIRMAN STEIN: Thank you --

18 MS. HENRY: -- thank you -- thank you very
19 much.

20 CHAIRMAN STEIN: Are there any other
21 public officials that wish to speak at this time? If
22 not, we have a motion to make the Town of Woodbury a
23 party to this proceeding.

24 MR. PHILIP T. ASHTON: So moved.

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1 MR. JAMES J. MURPHY, JR.: Second.

2 CHAIRMAN STEIN: I have a motion. We have
3 a second. All those in favor, signify by saying aye.

4 VOICES: Aye.

5 CHAIRMAN STEIN: Opposed? Abstentions?

6 The motion carries.

7 I'd like to now take administrative notice
8 to those items shown on the hearing program marked as
9 Roman Numeral I-D, Items 1 through 50. Does the
10 Applicant or any party or intervenor have any objection
11 to the items that the Council has administratively
12 noticed? Hearing and seeing none, the Council hereby
13 administratively notices these existing documents,
14 statements, and comments.

15 And now we'll go to the appearance by the
16 Applicant. Would you please present your witness panel
17 for the purposes of taking the oath, attorney --

18 MR. DANIEL M. LAUB: Yes. Good afternoon,
19 Mr. Chairman and members of the Council.

20 For the record, Daniel Laub with the firm
21 of Cuddy and Feder here on behalf of AT&T. With me today
22 is my panel. Starting at my far left, Mr. Dean
23 Gustafson, our soil -- project soil scientist. To his
24 immediate right, Mr. Michael Libertine, who conducted the

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1 visual studies and other review of this project. To my
2 immediate left is Mr. Michael Lawton, our project radio
3 frequency engineer. To my immediate right is Mr. Peter
4 LaMontagne, who is the site acquisition specialist for
5 this project. To his right is Mr. Francis Kobylenski,
6 who is the project engineer for Site B, the Transylvania
7 Road site.

8 I do need to request the Council add one
9 more witness who was not on our original list, is Mr.
10 Paul Lusitani. He is the project engineer with Clough
11 Harbor Associates, who did the work for Site A, which was
12 the Southbury Road site. Mr. Lusitani is a licensed PE
13 in the State of Connecticut.

14 CHAIRMAN STEIN: Would your panel rise so
15 it can take the oath please.

16 MR. LAUB: Thank you.

17 MS. BACHMAN: Please raise your right
18 hand.

19 (Whereupon, the Applicant's witness panel
20 was duly sworn in.)

21 MS. BACHMAN: Thank you.

22 CHAIRMAN STEIN: Attorney Laub, would you
23 continue by numbering the exhibits of the filing and
24 making the request to administratively notice documents,

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1 and then verifying all exhibits by the appropriate sworn
2 witness. And does any of the parties or intervenors
3 object to the admission -- no -- go ahead.

4 MR. LAUB: I would turn the Council's
5 attention to Item II-B in the hearing program, which are
6 exhibits for identification for the Applicant. No. II-B1
7 would be the application itself, received by the Council
8 on July 3rd, which also includes the bulk filed exhibits,
9 which include the Town of Roxbury Conservation
10 Development Plan, zoning regulations, inland/wetland and
11 watercourse regulations, a zoning map, and technical
12 reports which were submitted to the town for the two
13 sites.

14 Number -- Item 2 would be the Responses to
15 Council Interrogatories, Set 1. Item 3 would be the
16 Responses to Council Interrogatories, Set 2. Item 4 was
17 the Responses to the Town of Roxbury's Interrogatories,
18 which was Set 1. Item 5 are the Responses to the Bronson
19 Mountain Farm Homeowners Association's Interrogatories,
20 Set 1. We also had a list of corrections, which
21 accompanied our original filing on September 11th. There
22 is an Affidavit of Posting of Signs for both sites A and
23 B, which was dated September 11th. We included the
24 resumes, Item 8, of Peter LaMontagne, Mike Libertine,

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1 Michael Lawton, and Dean Gustafson on September 11th.
2 Subsequently, we also included the Resume of Mr.
3 Kobylenski, which is Item 10. And Item 9 is an Amended
4 List of Corrections, which included some items related to
5 data for the sites and some errors that were in the
6 application.

7 With those items I so identified and with
8 the corrections as we've submitted them to the Council,
9 I'd like to ask individually -- and we can start with Mr.
10 Gustafson and then move through -- are you familiar with
11 these exhibits as so noted and have you been involved
12 with this work, supervised, or are you otherwise familiar
13 with it?

14 MR. DEAN GUSTAFSON: Yes, I am.

15 MR. MICHAEL LIBERTINE: Mike Libertine.

16 Yes.

17 MR. MICHAEL LAWTON: Mike Lawton. Yes.

18 MR. PETER LAMONTAGNE: Peter LaMontagne.

19 Yes.

20 MR. FRANCIS KOBYLENSKI: Fran Kobylenski.

21 Site B, yes.

22 MR. PAUL LUSITANI: Paul Lusitani. Site

23 A, yes.

24 MR. LAUB: And with the corrections that

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1 were so noted for the record, do you have any other
2 corrections, clarifications, or items that you'd like to
3 note for the Council's attention at this time?

4 MR. GUSTAFSON: Dean Gustafson. No
5 corrections.

6 MR. LIBERTINE: Mike Libertine. No.

7 MR. LAWTON: Mike Lawton. No.

8 MR. LAMONTAGNE: Peter LaMontagne. No.

9 MR. KOBYLENSKI: Francis Kobylenski. No.

10 MR. LUSITANI: Paul Lusitani. No.

11 MR. LAUB: And so today do you identify
12 these as true and accurate to the best of your belief and
13 adopt them as your testimony today?

14 MR. GUSTAFSON: Dean Gustafson. I do.

15 MR. LIBERTINE: Mike Libertine. Yes, I
16 do.

17 MR. LAWTON: Mike Lawton. Yes.

18 MR. LAMONTAGNE: Peter LaMontagne. Yes.

19 MR. KOBYLENSKI: Francis Kobylenski. Yes.

20 MR. LUSITANI: Paul Lusitani. Yes.

21 MR. LAUB: And with that, Mr. Chairman, I
22 would request that the items so noted be admitted as full
23 exhibits.

24 CHAIRMAN STEIN: Does any party or

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1 intervenor object to the admission of the Applicant's
2 exhibits?

3 MS. HENRY: Can I just ask a question?
4 Did he say that the plan of conservation and development
5 was 1999?

6 COURT REPORTER: You need to --

7 CHAIRMAN STEIN: Go to the microphone --

8 COURT REPORTER: -- go to the microphone,
9 and repeat your question please --

10 MR. LAUB: The question -- the question --
11 the First Selectman requested clarification of the plan
12 of conservation and development was -- was 1999. That
13 was -- that was what we were provided and that's what we
14 provided in our bulk filing.

15 CHAIRMAN STEIN: Okay, thank you. Hearing
16 and seeing no other -- or no objection, the exhibits are
17 admitted.

18 (Whereupon, Applicant Exhibit Numbers 1
19 through 10 were received into evidence.)

20 CHAIRMAN STEIN: We'll now begin cross-
21 examination, starting with staff. Mr. Perrone.

22 MR. MICHAEL PERRONE: Thank you, Mr.
23 Chairman.

24 Did you fly a balloon at both sites today?

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1 MR. LIBERTINE: This is Mike Libertine.
2 We attempted to fly balloons at the prescribed times of
3 8:00 a.m. through the day to 6:00 p.m. this evening. We
4 did have some limited success in the morning from about
5 11:00 -- excuse me, from about 8:00 o'clock to 11:00,
6 although the skies were overcast, and we did have a
7 period of -- periods of rain. The winds were fairly
8 calm. The balloons were at their respective proposed
9 heights for a majority of that time, but around 11:30 to
10 11:45 things deteriorated pretty quickly. The winds
11 picked up and then we lost those balloons. We did
12 attempt to fly two more at each of the locations slightly
13 before 1:00 o'clock through about 2:30, but we lost two
14 at each location within about 20 minutes of each of them
15 being up. So we have since the Siting Council's walk at
16 the Site B site on Transylvania Road aborted those
17 attempts with the winds picking up. So I guess in a
18 nutshell it was limited success for a very short period
19 of time this morning.

20 MR. PERRONE: What is the diameter of the
21 balloon?

22 MR. LIBERTINE: Each balloon is filled
23 with helium to an approximate diameter of about four
24 feet.

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1 MR. PERRONE: And --

2 MR. LIBERTINE: And they -- I'm sorry --
3 they were red balloons at both sites today.

4 MR. PERRONE: Would any existing tower
5 sites in Southbury meet your coverage objectives, such as
6 Swamp Road, Upper Fish Rock Road, or Lakeside Road?

7 MR. LAWTON: We did look at a number of
8 other tower locations in the Town of Roxbury and
9 Southbury, and none would meet the objective.

10 MR. PERRONE: Do you know the status of
11 Docket 383, 316 Perkins Road site?

12 MR. LAUB: Actually, I think I have to --
13 I'd have to address that one, Mr. Perrone. The latest
14 information I have from AT&T -- the update is that that
15 property actually fell into foreclosure. So AT&T had
16 made an effort to try to prop up that property owner and
17 that tower location for a long time. I don't believe
18 that they're going to be able to pursue that any further
19 due to the property owner's situation.

20 MR. PERRONE: And turning to the
21 interrogatory response from -- the response to Intervenor
22 Bronson's Question No. 12, it was referring to town
23 property on Squire Road. The Applicant had noted they
24 were still analyzing the RF. Do you have an update on

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1 that?

2 MR. LAWTON: We do. We completed the
3 plots. I don't have them here today, but we can provide
4 them afterwards. The -- we did look at the plot -- a
5 plot for the location on Squire Road, the cemetery, but
6 it did not provide the needed coverage. And the plots
7 which we can provide will show that.

8 MR. PERRONE: At what height did you
9 analyze that at?

10 MR. LAWTON: I don't recall. There was a
11 height stipulated in the request, and that was the height
12 that we used.

13 MR. PERRONE: Okay. Regarding the
14 compounds, would the chain link fence have barbwire?

15 MR. LAWTON: I'm -- I'm sorry, could we go
16 back to the prior question?

17 MR. PERRONE: Sure.

18 MR. LAWTON: It was -- it was stipulated
19 in the request to analyze it at one-seventy -- a hundred
20 and seventy feet. And that's what we did.

21 MR. PERRONE: And -- and back to the
22 compound design, would the chain link fence have
23 barbwire?

24 MR. KOBYLENSKI: On the -- this is Fran

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1 Kobylenski with Dewberry -- on the 126 Transylvania Road
2 site it's an eight-foot fence. And our plans as
3 originally drawn have barbwire on the top. The attorney
4 has told me that he has offered that that be removed, but
5 it's currently on the -- on the drawing.

6 MR. LUSITANI: Site A is an eight-foot
7 fence without barbwire.

8 MR. PERRONE: Also, comparing the two
9 equipment shelters, it appears the Site A one is 12-by-
10 20, the other one on Site B is 11-foot-6 by 20, but --
11 but the compound sizes are identical. I was wondering
12 why there are two different sizes, the equipment
13 shelters?

14 MR. KOBYLENSKI: Frank Kobylenski. On the
15 Site B, I can't respond to that with an answer other than
16 an assumption. There's a - the roof footprint, if you
17 will, may in fact be six inches more than the wall
18 footprint. And that's possibly the difference, but it's
19 speculation on my part.

20 MR. PERRONE: I understand Site B has a
21 higher site development cost, about 200K versus 100K for
22 Site A. Why does Site B have a higher site development
23 cost?

24 MR. KOBYLENSKI: Site B has a driveway

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1 that needs to be constructed and utilities brought to the
2 compound. The driveway and utility run being
3 approximately -- something less than -- just less than
4 600 feet. And -- and that certainly adds to the cost and
5 construction of the well founded and surface gavel
6 driveway, and of course the longer run of the utilities.

7 MR. PERRONE: Does AT&T have a preferred
8 site from a purely RF perspective?

9 MR. LAWTON: Yes. From an RF perspective,
10 the site on Transylvania Road would be preferred.

11 MR. ASHTON: Is that B or A?

12 A VOICE: B.

13 MR. LAWTON: B.

14 MR. ASHTON: And why is it?

15 MR. LAWTON: Why is?

16 MR. ASHTON: Why B over A?

17 MR. LAWTON: It fills a larger area of the
18 gap on route -- on Southbury Road.

19 MR. ASHTON: But that's not what the
20 diagram shows. That's why I hopped in because the
21 diagrams in the application clearly show the Bronson
22 Mountain site much less in service area.

23 MR. MURPHY: (Indiscernible) --

24 MR. ASHTON: It's up front in the

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1 application, behind Tab 1.

2 MR. MURPHY: Behind Tab 1 --

3 (indiscernible) --

4 MR. LAWTON: I'm sorry, I didn't hear.

5 MR. ASHTON: Behind Tab 1 --

6 MR. LAWTON: Yeah, I have --

7 MR. ASHTON: -- pages 9 and --

8 MR. LAWTON: I have them. The site on
9 Transylvania Road is more centrally located within the
10 hole. The other site does provide more of what you see
11 as green coverage, but the yellow coverage is not as
12 sufficient to the northwest. So from a purely site
13 location standpoint and total amount of coverage, the
14 Site A would be preferred. Site B actually provides some
15 redundant coverage with the coverage that already exists
16 to the east.

17 MR. ASHTON: I don't want to cheat my
18 colleague's questions, but as I looked at this thing, I
19 thought Site B hands down was preferable.

20 MR. LAWTON: Site B does, as I said,
21 provides more coverage to the south, but that's -- most
22 of that is -- you know, we would consider that mostly
23 redundant coverage with the adjacent site to the east.

24 MR. ASHTON: I think we have a problem

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1 here --

2 MR. LAWTON: We're looking at page 9 and
3 page 10, correct?

4 MR. ASHTON: Well, I looked at -- I looked
5 at page 8 first --

6 MR. LAWTON: Right --

7 MR. ASHTON: -- and then I went to -- I
8 folded over page 8 and I looked at page 9 with 8 so I
9 could make a comparison.

10 MR. LAWTON: Sure.

11 MR. ASHTON: And then I said okay very
12 interesting, and put that back, and then I folded page 8
13 over so I could make some comparison to page 10. And it
14 looked to me as though there was a lot more coverage
15 coming out of SR1876, which is the site at Southbury
16 Road?

17 MR. LAWTON: Well --

18 MR. LAUB: Just to clarify, Mr. Ashton --
19 (mic feedback) -- so both -- both -- search ring 1876 --
20 so both are identified as that. If I can just go
21 through, page 9 -- and it's a little reversed from the
22 way it ends up being in the docket -- but page 9 is
23 Transylvania Road, which is Site B --

24 MR. ASHTON: Yeah --

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1 MR. LAUB: -- and then page 10 is
2 Southbury Road at Site A --

3 MR. MURPHY: Right --

4 MR. LAUB: -- so in the -- in the pages
5 it's a little -- it's reversed --

6 MR. ASHTON: Right -- right --

7 MR. LAUB: -- from basically the way we're
8 referring to them, A and B, and in the order that we
9 visited them today.

10 MR. ASHTON: That's fine. I'm wondering
11 is Site A preferable over B.

12 MR. LAWTON: Basically, what I think is
13 causing the difference is the color distinction. Green
14 obviously being a much more bold color --

15 MR. ASHTON: Yeah --

16 MR. LAWTON: -- draws your eye. It looks
17 like that is the bulk of the coverage. But if you look
18 at the yellow where it connects to the existing site in
19 the Town of Roxbury, on the Southbury Road site it does
20 not --

21 MR. ASHTON: I hear you, but I looked at -
22 - I get more yellow on Site A than I get on B.

23 MR. MURPHY: Right.

24 MR. LAWTON: I -- page -- page 9 appears

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1 to have yellow connecting between -- along Southbury Road
2 as I see it. Is that not correct?

3 MR. ASHTON: Mr. -- Senator Murphy.

4 MR. MURPHY: You -- (mic feedback) --
5 thank you. You indicated that A south of the proposed
6 site is redundant coverage. But when you look at B,
7 there's no coverage there. So how is it redundant if
8 there's nothing there? That's what I don't understand
9 from your answers.

10 MR. LAWTON: We have to remember we're
11 looking at two levels of coverage here. We're looking at
12 the green, which is in-building level coverage --

13 MR. MURPHY: Right --

14 MR. LAWTON: -- and the yellow, which is
15 in-car level coverage --

16 MR. MURPHY: I understand that --

17 MR. LAWTON: -- and if you -- if you look
18 at where the words Roxbury Road are on the plot --

19 MR. MURPHY: They're in different places
20 on the two maps, which is --

21 MR. LAWTON: In fact, they are, yes --

22 MR. MURPHY: Yeah, that's --

23 MR. LAWTON: But on page 9, if you look at
24 where it says Roxbury Road --

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1 MR. MURPHY: Yeah --

2 MR. LAWTON: -- you can see that it's
3 consistently yellow coverage through there, in-car
4 coverage along that road. It's green, which means in-car
5 coverage along that road for the Southbury Road site. I
6 agree that that portion of the road would go from in-car
7 coverage to in-building coverage. But as a tradeoff
8 where it's on page 10 where the word Southbury appears,
9 there's in fact no coverage provided there, and that
10 would not be a good tradeoff --

11 MR. MURPHY: Where -- where is the words -
12 - oh, why down in --

13 MR. LAWTON: No, no, up --

14 MR. MURPHY: Oh, Southbury Road?

15 MR. LAWTON: Yeah.

16 MR. ASHTON: Is it possible these two maps
17 have gotten mislabeled or cross-labeled --

18 MR. MURPHY: That's what I thought when -
19 -

20 MR. LAWTON: I don't believe they are --

21 MR. ASHTON: Because to me, I --

22 MR. LAWTON: I mean --

23 MR. ASHTON: -- I'm comfortable reading
24 maps and I see that the -- that page 10 has much better

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1 coverage than page 9.

2 MR. MURPHY: But let me --

3 MR. LAWTON: It is -- I will agree with
4 you that page 10 has better coverage to the south and
5 east along the area of concern, but page 10 has no
6 coverage to the north and the west in the area of
7 concern.

8 MR. ASHTON: Well I'd be prepared to argue
9 to a degree on this.

10 MR. LAUB: Just for clarification, Mr.
11 Ashton, are you looking at the area -- I think on both
12 maps it's labeled the same where it says Pierce Hollow
13 Road, in that -- in that area?

14 MR. ASHTON: That area clearly has much
15 better coverage on page 10 than on page 9. Do we agree
16 on that?

17 MR. LAWTON: I do.

18 MR. ASHTON: And -- I don't know what
19 you're not covering to the north?

20 MR. LAWTON: If you -- if you look at --

21 MR. ASHTON: Up in the Sycamore Avenue
22 area the coverage looks to be the same.

23 MR. LAWTON: If you -- do you see the word
24 -- on Southbury and Roxbury Road, do you see the word

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1 Southbury?

2 MR. ASHTON: I see the label Southbury
3 Road, which is arranged horizontally --

4 MR. LAWTON: Yep --

5 MR. ASHTON: -- and inter -- well crosses
6 more or less at an oblique angle on Route 67.

7 MR. LAWTON: And underneath that location
8 there's white showing.

9 MR. ASHTON: Yeah, but that's the only
10 part there.

11 MR. LAWTON: And if you're --

12 MR. ASHTON: You're going to need
13 something up in that area, by my guess, the Milford Road
14 area to complete your coverage in that area.

15 MR. LAWTON: Well if you go to -- we would
16 with the site on Southbury Road. Yes, that would be
17 substandard coverage --

18 MR. ASHTON: Can I make a suggestion? The
19 argument that I'm hearing is not really convincing. I
20 think you would do well to have a little conversation
21 among your colleagues and make sure you're on solid
22 ground. As an engineer, I'm not reading it I've got to
23 tell you.

24 MR. LAWTON: Our -- our goal is to fill in

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1 -- if we encounter a white spot, which is a hole, that is
2 our goal, and --

3 MR. ASHTON: Of course --

4 MR. LAWTON: -- and --

5 MR. ASHTON: -- I understand that --

6 MR. LAWTON: -- and I -- and when I review
7 the plot on page 9, I see no white spots on Southbury
8 Road. When I review the plot on page 10, I see a white
9 spot on Southbury Road.

10 MR. ASHTON: Well --

11 MR. LAWTON: Do you -- do you agree with
12 that?

13 MR. ASHTON: I'm not sure I agree with --
14 there are some tradeoffs here. Pierce Hollow Road has no
15 -- has very limited coverage on page 9, and the area to
16 the north of the intersection of Pierce Hollow and
17 Roxbury Road has limited coverage --

18 MR. LAWTON: But in fact, Pierce Hollow -
19 -

20 MR. ASHTON: I'm going to make a request
21 that you talk about this and take a careful look. I'm
22 not -- you're not persuading me.

23 MR. LAWTON: In fact, Pierce Hollow Road
24 falls outside Roxbury, does it not?

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1 MR. MURPHY: That's irrelevant --

2 MR. ASHTON: What's that got to do with
3 the price of beans in terms of coverage?

4 MR. LAWTON: The site is intended to cover
5 Roxbury.

6 MR. ASHTON: You don't design a system
7 that follows town lines.

8 MR. LAWTON: Agreed. But --

9 MR. ASHTON: Can I -- again, Mr. Laub, can
10 I make a suggestion that you put your heads together and
11 have a chat. I'm not persuaded.

12 MR. LAUB: Indeed, we'll do that, Mr.
13 Ashton.

14 MR. DANIEL P. LYNCH, JR.: Mr. Chairman.

15 CHAIRMAN STEIN: Go ahead.

16 MR. LYNCH: Just -- just to follow up on
17 the line of questioning from Mr. Ashton and Senator
18 Murphy, when I see either on -- we'll deal with page 10 -
19 - when you're talking about Southbury Road, that white
20 block right there -- the white -- that tells me that
21 there's something blocking that. Is there a ridgeline
22 there or something we're not taking into consideration?
23 And the same on page 9 when we go down to -- what is it -
24 - Pierce Hollow Road -- where it becomes all white, is

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1 there -- is there a ridgeline there or something blocking
2 the signal that we get that large white space?

3 MR. LAWTON: In fact, it's a very hilly
4 area as I'm sure you know. I mean there's -- there's
5 ridgelines everywhere --

6 MR. LYNCH: Well that's -- I see these
7 large white spots and I -- I know there's something
8 blocking it. And I'm asking you what is it?

9 MR. LAWTON: In a lot of -- basically,
10 these simulations are done taking into account the
11 topography. I can't tell you exactly what hill or
12 ridgeline is blocking, but I would suspect that if you're
13 looking at the Transylvania Road site, the plot on page
14 9, I think part of what you may see as blockage is in
15 fact the hill that the Southbury Road site itself is on
16 because that is a higher point of land.

17 MR. ASHTON: Mr. Lawton --

18 CHAIRMAN STEIN: No, wait --

19 MR. ASHTON: -- may I ask that you take a
20 careful look to be sure that these are not -- the
21 labeling on these charts is not swapped --

22 MR. LAWTON: Sure --

23 MR. ASHTON: -- I make an explicit request
24 that you examine that --

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1 MR. LAWTON: Sure --

2 MR. ASHTON: -- because we're not
3 communicating.

4 CHAIRMAN STEIN: Okay, well let's --
5 that's been a request and you'll clarify that subsequent.
6 Mr. Golembiewski.

7 MR. BRIAN GOLEMBIEWSKI: Thank you,
8 Chairman.

9 Mr. Lawton, could I -- I guess as I look
10 at it, are you -- I guess what I'm thinking what you're
11 trying to say is that the Transylvania site -- the
12 Transylvania Road site would hand off to CT2089, whereas
13 the Route 67 site would not as well. Is that kind of
14 what --

15 MR. LAWTON: Correct --

16 MR. GOLEMBIEWSKI: -- you're trying to
17 say?

18 MR. LAWTON: Correct.

19 MR. GOLEMBIEWSKI: Okay.

20 MR. LAWTON: That's -- yes.

21 MR. GOLEMBIEWSKI: Okay. And -- and -- so
22 the -- so the location of the Transylvania Road site is -
23 - when you say more centrally located is -- it hands off
24 better to the three existing towers to the north -- I

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1 guess slightly northwest and to the east?

2 MR. LAWTON: That's correct.

3 MR. GOLEMBIEWSKI: Whereas, the other one
4 is a little more distant, so the -- the handoff isn't as
5 -- as clean or as good as you'd like?

6 MR. LAWTON: That's correct.

7 MR. GOLEMBIEWSKI: Okay. Thank you.

8 CHAIRMAN STEIN: We'll go back to staff.

9 MR. PERRONE: Thank you, Mr. Chairman. Is
10 Site B located within a flood zone, a hundred-year or
11 500-year?

12 MR. KOBYLENSKI: No.

13 MR. PERRONE: How many homes are within a
14 hundred feet -- a thousand feet of the Site B tower?

15 MR. KOBYLENSKI: The commission will have
16 to bear with me because I do not have that information
17 plotted on our plans. If I can perhaps move on and
18 report back rather than taking the time --

19 MR. PERRONE: Sure. So the homes within a
20 thousand feet.

21 Back to Site A, I understand the nearest
22 home to Site A is 970 feet to the Southeast. Would you
23 have the address and owner of that property?

24 MR. LUSITANI: I do not have the address

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1 for that.

2 CHAIRMAN STEIN: Can you obtain it though
3 for the future please?

4 MR. LUSITANI: Yes, we will obtain it.

5 MR. PERRONE: Do you know how many gallons
6 of fuel the backup generator would hold?

7 MR. KOBYLENSKI: I do not have that
8 information, sir. I do recall -- I don't recall the
9 number, but there was a response to running time as I
10 recall --

11 MR. PERRONE: Right --

12 MR. KOBYLENSKI: -- of 48 hours. But
13 that's off the top of my head. It's in the documents or
14 response to inquiries within the record as I recall.

15 CHAIRMAN STEIN: I believe that's
16 correct.

17 MR. PERRONE: Would the generator meet
18 applicable noise limits?

19 MR. KOBYLENSKI: Yes. These generators
20 would be specified and ordered to meet the Connecticut
21 rules on noise emissions at distances from their exhaust.

22 MR. PERRONE: Have any other wireless
23 telecommunication carriers expressed an interest in co-
24 locating at either site?

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1 MR. LAMONTAGNE: Not at the present time.

2 MR. PERRONE: Has the town expressed an
3 interest or are their needs already currently met at the
4 other tower?

5 MR. LAMONTAGNE: We're not sure, but we
6 can certainly follow up with the town.

7 MR. PERRONE: Okay. If there was a need,
8 would AT&T provide space on their tower at no fee for the
9 town?

10 MR. LAMONTAGNE: Yes.

11 MR. PERRONE: How steep is the Site A
12 access road in terms of percent grade, either an average
13 or a maximum?

14 MR. LUSITANI: A four percent grade.

15 MR. PERRONE: Is that the average or max?

16 MR. LUSITANI: That's the -- it's at a
17 constant four percent grade.

18 MR. PERRONE: Okay.

19 MR. ASHTON: Is that four percent from the
20 proposed development road into the compound or from Route
21 67 up the development road and then into the compound?

22 MR. LUSITANI: That is only for the 200-
23 foot section --

24 MR. ASHTON: Okay --

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1 MR. LUSITANI: -- coming off of the future
2 drive.

3 MR. ASHTON: Yeah. Thank you.

4 MR. PERRONE: How steep is the Site B
5 access road in terms of grade -- percent grade?

6 MR. KOBYLENSKI: The Site B access road
7 varies in its -- in its grading. The design is intended
8 to generally match the existing topography. When leaving
9 the existing driveway for the home, it starts out at 12
10 percent. And then there is a short run again matching
11 topography of approximately 80 feet of up to 24 percent
12 grade, and then leveling off when we cross over the
13 bluff of the steep grade to 12, and then 9 for the rest
14 of the distance up to the compound itself where it levels
15 out.

16 COURT REPORTER: One moment please.

17 (pause - tape change)

18 MR. PERRONE: Do you anticipate any
19 problems for trucks climbing that steep of grade?

20 MR. KOBYLENSKI: No.

21 MR. PERRONE: Okay --

22 MR. KOBYLENSKI: With proper --
23 construction vehicles will traverse it before the gravel
24 drive is fully built out without a problem. And after

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1 the gravel drive is built out and maintained, you know,
2 you can drive up there with your regular car. I do have
3 that information on the homes --

4 MR. PERRONE: Okay --

5 MR. KOBYLENSKI: -- within a thousand feet

6 --

7 MR. PERRONE: Sure --

8 MR. KOBYLENSKI: -- if you'd like the
9 response now? This is scaled off of our plot, Sheet S1,
10 which is generated from town tax map information.
11 Excluding or not including the home on the property, I
12 count 10 homes. One home in fact is not shown here yet,
13 but because of the site walk and the neighbor responding
14 that they lived on one of those lots that doesn't have a
15 home, I counted that as a home. It's within that
16 thousand foot distance.

17 MR. PERRONE: Okay. And lastly, how tall
18 would the tower have to be if you went with flush mounted
19 antennas? And how many levels of antennas would you
20 need?

21 MR. LAWTON: Typically, the flush mounted
22 antennas wouldn't change the height necessarily, but it -
23 - depending on the technology, for this current site, for
24 the current application, for the current technologies

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1 that we're talking about, I don't believe that it would
2 change the height needed. But I'll have to review that
3 and get back to you.

4 MR. PERRONE: Okay.

5 MR. LYNCH: Mr. Chairman --

6 MR. PERRONE: Because my question is --
7 maybe not so much because of the coverage, but in order
8 to get all of your antennas onto one level, would you
9 need multiple levels? But -- we can make that a homework
10 assignment.

11 MR. LAWTON: I'm sorry?

12 MR. PERRONE: We can make that a homework
13 assignment if you need to --

14 MR. LAWTON: Yeah, I'd --

15 CHAIRMAN STEIN: Mr. Lynch has a follow-up
16 --

17 MR. LAWTON: I'm sorry, I'd like to
18 respond to that --

19 MR. LYNCH: No, Mr. Perrone just asked the
20 question I was going to ask.

21 MR. PERRONE: That's all I have. Thank
22 you.

23 CHAIRMAN STEIN: Now we're just going to
24 go to cross-examination from the Council Members.

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1 Senator Murphy.

2 MR. MURPHY: You indicated that -- Mr.
3 Lawton, that you did not have the plots for the cemetery
4 that was suggested, which is town owned property. You
5 have them available, but not with you today, is that
6 right?

7 MR. LAWTON: That's correct. I can
8 provide them by tomorrow.

9 MR. MURPHY: Okay. And you plotted them
10 at one-seventy?

11 MR. LAWTON: In fact at 167 feet
12 consistent with what we've done here because the tip of
13 the antenna would be at --

14 MR. MURPHY: How close did it come to
15 meeting your requirements?

16 MR. LAWTON: At -- at that height, it did
17 not come close.

18 MR. MURPHY: It did not. I'm obviously
19 not from around here, so I'm not familiar -- how far from
20 the two sites is this particular location suggested by
21 the town?

22 MR. LAWTON: The -- I believe -- and I'm
23 going from memory here -- I believe the cemetery would be
24 somewhat equal distant between the center of town here

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1 and the Transylvania Road site if I'm not mistaken.

2 MR. MURPHY: Okay. And you'll provide
3 that. With the cost differential of roughly a hundred
4 thousand dollars per the application of seven-thirty-
5 five, visa vie six-thirty-five, and Site A being the
6 cheapest, does that presuppose that the developer has put
7 the road in already?

8 MR. LUSITANI: Yes, that cost is based on
9 only developing --

10 MR. MURPHY: And if I may ask, how far
11 along is the developer with the subdivision application
12 program, whatever he, she, or they may be doing as far as
13 developing that site? I see the map where there's
14 potential crossings and what have you, but has an
15 application been filed with the town if you know?

16 MR. LAUB: With the town, they -- they
17 were approved for a wetlands crossing I think for access
18 in the road --

19 MR. MURPHY: I saw that in the
20 application. That's what brought them around to --

21 MR. LAUB: As for future development and
22 what they're planning, we're not sure. We believe it's
23 subdivision. That's what they informed the engineers,
24 but we don't -- we don't --

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1 MR. MURPHY: I realize that, but --

2 MR. LAUB: -- we don't know -- we don't
3 know the status of their --

4 MR. MURPHY: So other than having
5 permission for a wetland's crossing, you're not aware of
6 anything else having been done, except for them drafting
7 some plans?

8 MR. LAUB: Correct. Except as part of the
9 wetlands crossing they had to design a road in order to
10 accommodate --

11 MR. MURPHY: Right. I read what's in the
12 application. But to the best of your knowledge, that
13 doesn't mean they haven't done any more, but you don't
14 know of them having done any more?

15 MR. LAUB: Correct.

16 MR. MURPHY: Okay. I have nothing else
17 right now, Mr. Chairman.

18 CHAIRMAN STEIN: Could I follow up then?
19 If -- and I just stress if that site were to be approved
20 and there was no progress as far as the owner/developer
21 building the road, would you then be prepared to build a
22 road that -- I assume that would change pretty
23 dramatically the cost of that portion of the road?

24 MR. LAUB: The -- the -- the negotiations

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1 as far as I'm aware have committed the landlord to
2 building the road if AT&T is approved. If the road were
3 not built by the landlord -- by the landowner, then AT&T
4 would have to work that out with the landowner, you know,
5 privately in order to accomplish it. That's, you know -
6 -

7 CHAIRMAN STEIN: Okay. I guess that's --
8 that's your answer. Okay. Alright, going now to Mr.
9 Ashton.

10 MR. ASHTON: Okay -- (mic failure) --
11 there we go. We'll go to my favorite topic, underground
12 utilities. With Site A you're proposing to come
13 underground from where into the compound?

14 MR. LUSITANI: We're coming underground
15 from a pole on Southbury Road.

16 MR. ASHTON: Okay. So it comes up the
17 development road and then into your site, is that
18 correct?

19 MR. LUSITANI: That's correct.

20 MR. ASHTON: And from Site B you'd come
21 from the pole that is in front of the property owner's --
22 or alongside the property owner's house underground to
23 the site, is that correct?

24 MR. LUSITANI: That is correct.

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1 MR. ASHTON: Okay. First Selectman Henry
2 mentioned that AT&T should be installing 3G antennas. I
3 thought we were going to a 4G system here. Is that
4 correct?

5 MR. LAWTON: In fact, this application is
6 for 2G and 3G service.

7 MR. ASHTON: Only? And not 4G?

8 MR. LAWTON: 4G -- depending on the time
9 that the tower would be in fact built, 4G may be added or
10 not. 4G is being rolled out --

11 MR. ASHTON: It sure as hell is. It's
12 being rolled out all over the place --

13 MR. LAWTON: Yes. 2G and 3G are
14 everywhere. 4G is being rolled out.

15 MR. ASHTON: I have to admit I'm a bit
16 flabbergasted you're not putting 4G up on a new tower.

17 MR. LAWTON: Not all of them.

18 MR. ASHTON: Can you think of any other
19 new towers that are not having 4G?

20 MR. LAWTON: None that I'm aware of in
21 Connecticut, but I can tell you there are a few in
22 Massachusetts that have been constructed recently without
23 4G.

24 MR. ASHTON: Amazing. One of the

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1 questions that peripherally was asked or came up is the
2 number of towers and how you get at that. What is
3 typically the radius of service from a cell tower? You
4 connect to other towers. What typical distance are we
5 talking here?

6 MR. LAWTON: That's a really hard question
7 to answer because there's no such thing as a typical --

8 MR. ASHTON: Right. That's why you're
9 paid the big bucks --

10 MR. LAWTON: -- a typical tower. You
11 know, they're in various environments --

12 MR. ASHTON: Right --

13 MR. LAWTON: -- throughout the state and
14 the country --

15 MR. ASHTON: Right --

16 MR. LAWTON: -- sites --

17 MR. ASHTON: What's the answer?

18 MR. LAWTON: I can't give you a specific
19 answer because there are sites --

20 MR. ASHTON: Well I know you're not going
21 to give me a specific, you know, 2.38 miles, but what's
22 characteristic? What -- as you look at a map, what would
23 you expect the frequency spacing to be?

24 MR. LAWTON: It's -- I -- I can't give you

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1 a specific -- I can't even give you a round answer to
2 that. I mean there are sites in Boston that cover less
3 than a quarter-mile radius --

4 MR. ASHTON: Oh, I understand. We're not
5 Boston here --

6 MR. LAWTON: No doubt --

7 MR. ASHTON: -- we're talking Connecticut,
8 a rural -- a semi-rural area. What's the distance?

9 MR. LAWTON: It varies by the height
10 that's -- you know, I mean you can see from the plots
11 that -- even various different sites on these plots some
12 of them cover a larger area, some of them cover a smaller
13 area.

14 MR. ASHTON: Well let me ask you a
15 question then. Supposing the Town of Southbury says gee
16 we would just like one tower to serve the entire -- I
17 don't know how many square miles of the town -- 40
18 squares miles or something like that -- we'll give you
19 latitude to put up one tower to serve 40 square miles.
20 What kind of height are we talking about here?

21 MR. LAWTON: Well in fact, one of the
22 questions that was asked in the interrogatories was at
23 what height would the existing town site on Lower County
24 Road have to be in order to fill this hole. And --

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1 what's that?

2 (pause)

3 MR. LAWTON: Oh, okay. I'm sorry, he
4 asked me to run the plots. It wasn't a question. But
5 I'm mistaken where the question came from. But anyway,
6 we ran it and we looked at it, and we got up to twelve-
7 hundred feet and it was just starting to be sufficient to
8 fill the hole.

9 MR. ASHTON: Okay. So would it be
10 reasonable that for the purposes of a barroom discussion
11 a twelve-hundred foot high tower would be what's
12 necessary to cover totally, more or less, one town?

13 MR. LAWTON: Well I'm not sure anybody
14 would say a twelve hundred foot tower would be reasonable
15 --

16 MR. ASHTON: Well you just told me that --
17 you just told me that.

18 MR. LAWTON: But I didn't say it was
19 reasonable --

20 MR. ASHTON: I didn't say it was
21 recommended. Is that a reasonable figure --

22 MR. LAWTON: Right. In this case --
23 specifically for this particular case, twelve hundred was
24 where we ended up. And you know --

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1 MR. ASHTON: Okay. You're talking a hell
2 of a tall tower, aren't you?

3 MR. LAWTON: Absolutely.

4 MR. ASHTON: And whether it's eleven-fifty
5 or twelve hundred or twelve-fifty, nobody is going to
6 fall off the sled at that point, but it's an awfully tall
7 tower.

8 MR. LAWTON: That's correct.

9 MR. ASHTON: So that in order to
10 compromise on the visibility of a nominal twelve-hundred
11 foot tower, we come down and we put in shorter towers --

12 MR. LAWTON: Yep.

13 MR. ASHTON: Okay. And my question was
14 getting at what characteristically is the spacing between
15 these shorter towers which are compromises?

16 MR. LAWTON: And -- I mean I can -- I can
17 refer back to these plots and I can tell you basically
18 what the spacing is here --

19 MR. ASHTON: Alright, what is it? I don't
20 need an engineer's precise number. I need a manager's
21 judgment.

22 MR. LAWTON: A five-mile radius.

23 MR. ASHTON: Five miles around each tower
24 --

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1 MR. LAWTON: Rough --

2 MR. ASHTON: -- so it's 10 miles -- that
3 means 10 miles between towers, is that correct?

4 MR. LAWTON: That's a -- that's a rough
5 approximation. I mean, you know, they -- (pause) -- and
6 here obviously it's a mile and a half radius. Some sites
7 cover more, some sites cover less.

8 MR. ASHTON: Well that's my question --

9 MR. LAWTON: Right --

10 MR. ASHTON: -- what are we getting at
11 here? What is characteristically the radius of service
12 of a tower that we're looking at in the vicinity --

13 MR. LAWTON: Yep --

14 MR. ASHTON: -- of Route 67 going north --

15 MR. LAWTON: Well --

16 MR. ASHTON: -- for five miles, south for
17 five miles, a couple of miles into Woodbury and Southbury
18 and then westward to the center of Roxbury.

19 MR. LAWTON: Right. I looked at my --

20 MR. ASHTON: What's the difficulty?

21 MR. LAWTON: No, I -- I looked at the
22 scale wrong. I mean clearly here it's a mile and a half
23 to two-mile radius.

24 MR. ASHTON: Wonderful. So that's what

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1 typically, characteristically we're faced with in the
2 area. Is that fair to say?

3 MR. LAWTON: I think so, yeah.

4 MR. ASHTON: Thank you. No further
5 questions.

6 CHAIRMAN STEIN: Thank you. Dr. Bell.

7 DR. BARBARA C. BELL: Thank you, Mr.
8 Chair.

9 I'm asking about the area of Site A. At
10 one point in the narrative it's given as 91 acres. At
11 another point in the narrative it's given as 96.5 acres.
12 What is the acreage of Site A?

13 MR. LUSITANI: The acreage is 96.5.

14 DR. BELL: Thank you. Mr. Perrone asked
15 you about the Southbury site on Perkins Road and he gave
16 you a docket number. Is that the site that -- I guess,
17 Mr. Laub, you answered that question -- is that the site
18 that's near the Southbury Training Center and there was a
19 garnet mine on the --

20 MR. LAUB: Yes, the -- the garnet mine
21 site.

22 DR. BELL: Okay. Now is that the site
23 that's given on this map as S -- these maps that we've
24 been talking about, 8, 9 and 10 -- I'm looking at Site A

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1 on page 8 actually -- but on all of the maps there's a
2 site numbered S2040. Is that it?

3 MR. LAUB: 2040, correct.

4 DR. BELL: Okay. So -- and then there's
5 another site to the -- immediately to the west of that
6 basically, 2039, which I guess is the Bridgewater site
7 that we recently approved -- fairly recently.

8 MR. LAUB: Correct --

9 DR. BELL: Okay --

10 MR. LAUB: -- that's correct.

11 DR. BELL: So you're showing no -- since -
12 - since those two sites are not up and running, I guess
13 you're not showing any coverage from those sites on these
14 maps, is that correct?

15 MR. LAWTON: That's not correct.

16 DR. BELL: Okay.

17 MR. LAWTON: The -- (indiscernible) --

18 COURT REPORTER: I'm sorry, a microphone -

19 -

20 MR. LAWTON: I'm sorry. Thank you. On
21 page 8, 9, and 10 you can see the green and yellow
22 coverage from those two sites. The -- the distinction
23 that's made between the sites that are actually existing
24 on the air and not yet on the air is the distinction

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1 between sort of the three-spoke triangle there versus the
2 star --

3 DR. BELL: Yeah, I -- I see that you --
4 that they have a different label --

5 MR. LAWTON: Right --

6 DR. BELL: -- a signifier, but -- so you
7 are showing coverage from those sites as if they were on?

8 MR. LAWTON: That's correct.

9 DR. BELL: But we know that S2040 is not
10 on, is that correct?

11 MR. LAWTON: That's correct.

12 DR. BELL: And what about the Bridgewater
13 site?

14 MR. LAWTON: S2039 --

15 DR. BELL: Yeah --

16 MR. LAWTON: -- I don't believe is on
17 either.

18 DR. BELL: That's not on either, okay. So
19 we basically can subtract that coverage?

20 MR. LAWTON: To get today's picture, yes.

21 DR. BELL: To get today's picture --

22 MR. LAWTON: That's correct.

23 DR. BELL: And where -- Attorney Laub just
24 told us that he really doesn't know about the 2040 and

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1 whether that's ever going to exist, correct?

2 MR. LAUB: Correct.

3 DR. BELL: Okay. Now if you look at the
4 responses to the Siting Council's Set 1, you have a list
5 -- you have a list of roads that you wanted to cover, is
6 that correct -- sorry -- page 3, Question 12, you have a
7 list of roads and the current coverage gap?

8 MR. LAWTON: Yes, that's correct.

9 DR. BELL: Okay. Could we go through
10 those? My first question is you say in the answer to
11 Question 12 that Roxbury Road and Southbury Road are the
12 same road, Route 67. But on here you have Roxbury Road
13 and Southbury Road as two different entries with two
14 different size gaps. So, I'm wondering are you -- is --
15 is there another Roxbury Road that you're referring to on
16 here or why are we having this -- why do we have two
17 entries here with the different --

18 MR. LAWTON: My belief is that to get the
19 total gap on Route 67, you would add the Roxbury Road
20 section and the Southbury Road section.

21 DR. BELL: So the total gap that you're
22 trying to cover on Route 67 is two miles -- 2.95?

23 MR. LAWTON: 2.95, yes, I believe.

24 DR. BELL: And is that the area that you

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1 were talking about with Mr. Ashton in an earlier question
2 when you said there was a white area on Southbury Road?

3 MR. LAWTON: In fact, I think when I was
4 referring specifically to his question about the white
5 area on Southbury Road, it was about page 10, which was -
6 - includes coverage from the proposed site as well --

7 DR. BELL: I'm sorry --

8 MR. LAWTON: -- but yes, there's also --

9 DR. BELL: There's -- there's -- if -- if
10 we just look at page 8, which is the existing coverage -
11 -

12 MR. LAWTON: Yes --

13 DR. BELL: -- and we're looking at the
14 Southbury coverage -- the coverage along 67 -- I'm just
15 trying to figure out what the -- what this -- how this
16 map is relating to the table. That's what I'm trying to
17 figure out. So can you just tell me how the map relates
18 to the table? Where are these -- the table shows two
19 gaps --

20 MR. LAWTON: It does --

21 DR. BELL: -- and where are they on the
22 map?

23 MR. LAWTON: The gap of one -- well, 1.95
24 miles would be from -- on page 8 from where the yellow

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1 ends to the northwest of the word Southbury to down
2 approximately where the second R in the word Roxbury Road
3 exists down near the intersection with Pierce Hollow
4 Road.

5 DR. BELL: Okay. So that's actually 2.95
6 -- you just said 1.95, but --

7 MR. LAWTON: I'm sorry, yes, 2.9 --

8 DR. BELL: -- if you're adding the two
9 together, that's 2.95, right?

10 MR. LAWTON: That's correct.

11 DR. BELL: So you're taking -- you're
12 taking -- that area has a little patch of yellow across
13 it --

14 MR. LAWTON: It does --

15 DR. BELL: -- and so you're saying that
16 that constitutes a barrier, if you will, between the two
17 gaps. Is -- or you're ignoring the yellow and you're
18 saying the whole -- the whole length of the road there
19 from the top of the white to the bottom of the white, if
20 you will, is the 2.95 miles of gap. Is that what you're
21 saying?

22 MR. LAWTON: I believe it would be the
23 latter, that it's -- it's assumed that the gap is
24 contiguous because that short area of coverage is not

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1 very useful --

2 DR. BELL: Yeah, there's a very short area
3 of green and there's a larger area of yellow surrounding
4 the little green dots --

5 MR. LAWTON: Correct --

6 DR. BELL: Okay --

7 MR. LAWTON: -- and so from a user's
8 perspective, it would be difficult to make use of such an
9 area unless you were in a building and stationary.

10 DR. BELL: Okay. Now let's proceed down.
11 Flag Swamp Road, I can see where that is. Squire Road, I
12 can see where that is. That is you're -- the map is not
13 -- doesn't have all these labels on it, so it's very hard
14 to understand the map from this table. But -- so -- I
15 mean that's the basic problem here. And I think it's
16 this problem that you had earlier, is that people -- we
17 don't know -- but without going into that, I can figure
18 out from other sources in the record -- Flag Swamp fine,
19 Squire Road fine, Southbury Road fine, and we've
20 discussed that. Transylvania Road fine. Patriot Road, I
21 can't even see. Is that in Roxbury?

22 MR. LAWTON: Maybe the best way to
23 approach this is since we're providing a plot on the
24 Squire Road site that's already been done, I can also

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1 provide a zoomed in plot of this area with the roads
2 identified on it.

3 DR. BELL: Okay, if you can --

4 MR. LAWTON: Would that be useful?

5 DR. BELL: Sure -- sure. I mean your --
6 apparently your goal is to cover these roads. And for us
7 to understand how well either of these sites is meeting
8 that goal, it would help for us to know where exactly the
9 roads are.

10 MR. LAWTON: I understand and -- yeah. I
11 mean it's hard to match these names of these roads onto
12 the map where they don't exist --

13 DR. BELL: Right --

14 MR. LAWTON: -- so we can -- we can
15 rectify that. We'll get you a plot --

16 DR. BELL: Right --

17 MR. LAWTON: -- that has these road names
18 on it.

19 DR. BELL: Okay. Now in the application,
20 Tab 1, page 8, and the responses to the Council, Tab C,
21 again we're having a table and map problem. The
22 responses to the Council has a table in it and it
23 responds to Question 18 and 39. And the question is what
24 are the handoff sites for these proposed sites. And in

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1 the application, page 8 of the coverage tab, we see a
2 number of sites identified. We've already discussed two
3 of them with stars by them or we're going to ignore that.
4 So, I tried to match the table to the map and I do okay -
5 - there are -- there are seven sites on the table. I can
6 find five of those on the map, but I cannot find two of
7 them. And I'd like to know where those handoff sites
8 are?

9 MR. LAWTON: I'm sorry, could you tell --
10 repeat where the table that you're referring to is?

11 DR. BELL: That's in the responses to the
12 Council's Set 1. It's behind Tab C.

13 MR. LAWTON: Okay, now I'm on the same
14 page. Now could -- could you repeat the question? I'm
15 sorry.

16 DR. BELL: Okay. There's -- so you've got
17 the table and you've got the map. The table has seven
18 entries on it. I can -- 1 through 4 they're not
19 numbered, but we'll just number them looking at them. 1
20 through 4 I can find. I cannot find CT2086. I can find
21 CT2126 and I cannot find CT5183. The table says they're
22 in Southbury. What I want to know is -- they're --
23 they're far -- they're both far away from the site, so I
24 -- from Site A and B, the proposed sites. But I'm trying

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1 to figure out why they would be handoff sites as opposed
2 to ones closer by.

3 MR. LAUB: Sorry, Dr. Bell, just to
4 clarify, that was 2086 and 2126?

5 DR. BELL: No. 5183 --

6 MR. LAUB: Oh, 5183. Sorry.

7 DR. BELL: I -- I can find 2126.

8 MR. LAUB: Okay.

9 MR. LAWTON: 2086 --

10 DR. BELL: Yeah --

11 MR. LAWTON: -- is actually -- I believe
12 it's near the intersection of Route 84 and Route 6.

13 DR. BELL: So it's off the map?

14 MR. LAWTON: No, it's -- where you see
15 Community Health Road, those words, it's just below that.

16 DR. BELL: Okay, 2086 I see it.

17 MR. LAWTON: And then 5183 is -- if you go
18 to the legend of the map where it says current coverage
19 at Roxbury, Connecticut without S1876, look just above
20 the word Roxbury.

21 DR. BELL: Okay.

22 MR. LAWTON: At the very bottom of the
23 map.

24 DR. BELL: Okay. Thank you. Now -- so as

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1 Mr. Golembiewski asked you in an earlier question about
2 the handoffs to the north, I see those. I now see all
3 the handoffs to the south. And I see one handoff to the
4 east. I don't see any handoffs to the west. Is that
5 correct, any possible handoffs?

6 MR. LAWTON: Certainly without the two
7 proposed, but not existing -- or approved but not
8 existing sites, that's correct.

9 DR. BELL: And they aren't even -- they
10 aren't even listed on the table anyway. I mean they --
11 we -- we know they -- (pause) -- yeah -- but I mean
12 you're showing -- my point is the table shows existing
13 sites, and these are not exactly -- well they're not
14 exactly existing, but they are existing in the sense that
15 you're showing coverage from them on the map. So if
16 you're showing coverage from them, I don't understand why
17 you wouldn't have identified them as potential handoffs
18 to the west given that -- given that you have no handoffs
19 to the west without them at all. We know one of them is
20 problematic, but I mean with -- with the Bridgewater one,
21 which is not as far as we know at the moment problematic,
22 would -- would that be -- is that close enough to be a
23 possible handoff to the west for either A or B?

24 MR. LAWTON: If -- so what you're saying

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1 is if 2040 never actually came to fruition, would 2039 be
2 a reasonable handoff candidate to the west?

3 DR. BELL: Yes.

4 MR. LAWTON: I don't know that because I
5 don't have a plot to look at -- I -- I haven't made that
6 analysis. I don't have a plot to look at at what the
7 coverage from 2039 to the east would be without the
8 existence of 2040 there, but I would say in general it
9 would be a very poor handoff candidate, if -- if at all.

10 DR. BELL: Okay.

11 MR. LAWTON: Thus, why we needed 2040 and
12 why that site was pursued.

13 DR. BELL: Okay. So -- I mean why
14 wouldn't you try to list a site to the west on this
15 table? I'm just curious -- I'm sort of going backwards -
16 -

17 MR. LAUB: Dr. Bell, that may have had --
18 that -- I think that was a team decision. The question
19 was asked in the interrogatory as existing sites.

20 DR. BELL: Okay.

21 MR. LAUB: So -- so -- but point well
22 taken, so maybe we can provide -- I guess with the
23 additional plot information we can provide some sense of
24 whether that would be -- how well that would interact as

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1 a handoff.

2 DR. BELL: Yeah. I mean we're learning --
3 I don't think we've known about the difficulty with 2040
4 before tonight -- at least I'm not familiar with that
5 difficulty. And from the network point of view, you try
6 as best you can to put a new tower into a hole where you
7 can connect in all directions. And -- so we're looking
8 at a very compromised network here. It wouldn't have
9 been so compromised if -- if 2040 had existed, it would
10 have made more sense. And I remember as a matter of fact
11 when we talked about 2040 and approved that tower, you
12 knew at that point that you were investigating sites in
13 Roxbury. And so we were looking at that site from how it
14 would connect with -- or handoff to one in Roxbury if one
15 in Roxbury were there. That's, you know, water under the
16 dam. That was several years ago. But that's how you
17 planned your network, and that makes sense. But -- and
18 so now that one has fallen away, it equally is a problem
19 from a network point of view.

20 Okay. Well, I believe those are my
21 questions. Thank you, Mr. Chair.

22 CHAIRMAN STEIN: Mr. Caron.

23 MR. MICHAEL CARON: No questions, Mr.
24 Chairman. Thank you.

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1 CHAIRMAN STEIN: I think we always ask at
2 this point where we're a few minutes before --

3 MR. GOLEMBIEWSKI: I have more than five
4 minutes worth of questions.

5 CHAIRMAN STEIN: Okay. Thank you. So
6 we're going to take a break now from this. I can rest
7 assure that the evidentiary hearing will be -- will have
8 to be continued at a later date. I think that's pretty
9 clear. But we will be back here at 7:00 p.m. this
10 evening for the public, for those that are not
11 intervenors or parties to make comments. Thank you.

12

13 (Whereupon, the hearing adjourned at 5:00
14 p.m.)

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